IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE EIGHTEENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO: 14517 of 2004

Between:

E.Mahender Reddy, s/o E.V.Narasimha Reddy,
Counselling Rehabilitation & Marketing Officer (Under suspension), A.P. Vikalangula Co.op. Corporation, Nizamabad, Nizamabad District.

..... PETITIONER

AND

1 The Managing Director, A.P.Vikalangula Cooperative Corporation, Hyderabad.
2 The District Manager, A.P.Vikalangula Cooperative Corporation, Nizamabad, Nizamabad District.
3 The District Collector, Nizamabad, Nizamabad District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction, preferably one in the nature of writ of mandamus, declaring the impugned order of the 2nd respondent vide proceedings No.DM/APVCC/98, dated 5-8-2004 relieving the petitioner from service while surrendering him to the office of the 1st respondent for posting orders, as arbitrary, illegal, without power and jurisdiction and consequently direct the respondents herein to continue the petitioner in the office of the 2nd respondent, as usual with all consequential benefits including back wages to the petitioner forthwith;

Counsel for the Petitioner: MRC.RAJA SEKHAR REDDY

Counsel for the Respondent Nos.1 & 2:MR. K.RAMANUJACHARI
Counsel for the Respondent No.3: G.P. FOR COOPERATION

The Court at the admission stage made the following:

HONOURABLE DR. JUSTICE G.YETHIRAJULU

WRIT PETITION NO.14517 OF 2004

ORDER:

The petitioner is working as a Counselling Rehabilitation and Marketing Officer in the respondent Corporation at Nizamabad. He was initially appointed as a Counselling Rehabilitation Officer on 02-01-1987 in the office of the second respondent. Subsequently, he was transferred to Sanga Reddy at Medak District and he worked there till 1991, and in 1994 after a short period at Mahaboobnagar, transferred to Nizamabad. Subsequently, he was suspended by initiating a disciplinary action against him and he was served with a charge memo on 29-02-2004.

2. The petitioner filed W.P.No.11473 of 2004 questioning the order of suspension, and the order of suspension was set aside by this Court through the order dated 14-07-2004 on the ground that the impugned order was passed by the third respondent without jurisdiction, with a liberty to the first respondent in taking any disciplinary action against the petitioner according to law.

3. Subsequently, on 29-07-2004, the third respondent issued the order of reinstatement to the petitioner in the office of the second respondent. On 31-07-2004, the petitioner joined duty. On 04-08-2004, the Collector addressed a letter to the first respondent surrendering the petitioner, and consequent on the said surrender, the petitioner was relieved from the office of the second respondent on 05-08-2004 directing him to report to the first respondent for posting orders.

4. The petitioner, being aggrieved by the order of the third respondent dated 05-08-2004, approached this Court through this Writ Petition seeking a writ of Mandamus declaring that the impugned order dated 05-08-2004 as arbitrary, illegal and without jurisdiction, on the sole ground that the third respondent is not competent to relieve him and the Collector is not competent to surrender without the prior permission of the first respondent.

5. The learned counsel for the petitioner during the arguments submitted that the petitioner submitted a representation to the first respondent on 06-08-2004 explaining the circumstances and the difficulties he is likely to face, if he is not retained at Nizamabad, and it is pending with the first respondent.

6. In the light of the circumstances explained by the petitioner, the first respondent is directed to consider the grievances of the petitioner and pass appropriate orders on his representation dated 06-08-2004 at an early date.

7. The Writ Petition is accordingly disposed of. No order as to costs.

Dr. G.YETHIRAJULU, J

18th August, 2004

SKM

Note:

Furnish C.C. by tomorrow.

B/o.

skm

TO

1 The Managing Director, A.P.Vikalangula Cooperative Corporation, Hyderabad.
2 The District Manager, A.P.Vikalangula Cooperative Corporation, Nizamabad, Nizamabad District.
3 The District Collector, Nizamabad, Nizamabad District.

4 Two C.Cs. to G.P. for Co-operation, High Court Buildings,

High Court of A.P., Hyderabad (OUT)

5 Two C.D. Copies.